

07/28/05

DAE & JMW

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/312,479
Filing Date	May 17, 1999
First Named Inventor	Robert J. Hennick et al.
Group Art Unit	2878
Examiner Name	Luu, Thanh X.
Attorney Docket Number	283_237.10CPA

Total Number of Pages in This Submission 39

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) (2 pgs.), Statement Establishing Unintentional Delay (2 pgs.) Response to a Communication Re: Appeal (1 pg.), Return Mailroom Postcard, our check in the amount of \$1500.00 and Certificate of Express Mailing.
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Wall Marjama & Bilinski LLP	Reg. No. 26,441
Signature		
Date	July 27, 2005	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service using the Express Mail Post Office To Addressee service per 37 CFR 1.10 under Express Mail No. EV402384278US addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 27, 2005.

Typed or printed name	Christine M. Holmes	Date	July 27, 2005
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

FREE TRANSMITTAL
For FY 2005**Complete if Known**

Application Number	09/312,479
Filing Date	May 17, 1999
First Named Inventor	Robert J. Hennick et al.
Examiner Name	Luu, Thanh X.
Art Unit	2878
Attorney Docket No.	283_237.10CPA

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$1500.00

Express Mail Label EV402384278US

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-0289 Deposit Account Name: Wall Mariama & Bilinski LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments ☒ Credit any overpayments
of fee(s) under 37 CFR 1.16 and 1.17**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180
Total Claims		
- 20 or HP =	x	=
HP= highest paid number of total claims paid for, if greater than 20		
Indep. Claims		
- 3 or HP =	x	=
HP= highest number of independent claims paid for, if greater than 3		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a) (1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEES

Non-English Specification, \$130 fee (no small entity discount)	Fees Paid (\$)
Other: Petition Fee	1500.00

SUBMITTED BY

Signature	Registration No. 26,441 (Attorney/Agent)	Telephone 315-425-9000
Name (Print/Type)	Dana F. Bigelow	Date July 27, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time your require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

283_237.10CPA

First named inventor: Robert J. Hennick et al.

Application No.: 09/312,479

Art Unit: 2878

Filed: May 17, 1999

Examiner: Luu, Thanh X.

Title: OPTICAL AND IMAGE SENSOR SUBASSEMBLY ALIGNMENT AND MOUNTING METHOD

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Supplemental Appeal Brief (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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07/29/2005 MAHRED1 00000071 09312479

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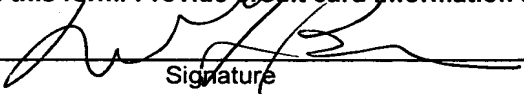
1500.00 DP

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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 _____ Signature	July 27, 2005 _____ Date
Dana F. Bigelow _____ Typed or printed name	26,441 _____ Registration Number, if applicable
101 South Salina Street, 4th Floor, Syracuse, NY 13202 _____ Address	315-425-9000 _____ Telephone Number

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

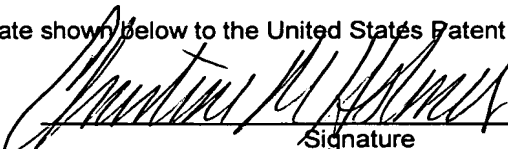
☒ Other: Supplemental Appeal Brief

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

July 27, 2005
Date



Signature

Christine M. Holmes

Typed or printed name of person signing certificate



Practitioner's Docket No.: 283_237.10CPA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Robert J. Hennick et al.

Ser. No.: 09/312,479

Group Art Unit: 2878

Filed: May 17, 1999

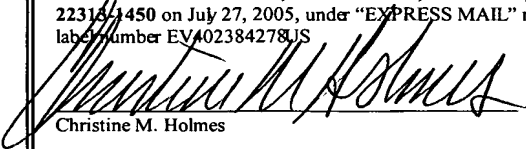
Examiner: Luu, Thanh X.

Confirmation No.: 2665

For: **OPTICAL AND IMAGE SENSOR SUBASSEMBLY ALIGNMENT AND MOUNTING METHOD**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Christine M. Holmes

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Dear Sirs:

The following Statements are made in support of the "Statement" in Paragraph 4 of the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b).

1. A Notification of Non-Compliance with 37 CFR 1.192(c) was mailed on June 4, 2003 requiring that three copies of the Brief be submitted. A good faith reply was mailed within the 30 days permitted.
2. A Notification of Non-Compliance with 37 CFR 1.192(c) mailed on August 26, 2003 required correction of appropriate claims involved. A good faith reply was filed within the 30 days permitted.
3. A Notification of Non-Compliance with 37 CFR 1.192(c) mailed on November 18, 2003 again required a corrected version of the claims. A good faith reply was filed within the 30 days permitted.
4. A Notification of Non-Compliance with 37 CFR 1.192(c) mailed on March 19, 2004 required a corrected copy of the appealed claims as an appendix. A good faith reply was filed within the 30 days permitted.
5. A Notification of Non-Compliance with 37 CFR 1.192(c) mailed November 24, 2004 required a correct copy of the appealed claims as an appendix. A good faith reply was filed within the 30 days permitted.

6. A Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed February 11, 2005 required that a revision and a complete new brief be filed. The appellants filed a good faith response within the 30 days permitted.

7. A Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed June 1, 2005 again required that a revision and a complete new brief be filed. The appellants filed a good faith response within the 30 days permitted.

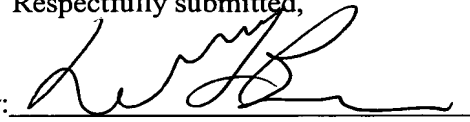
8. A Communication Re: Appeal mailed July 12, 2005 indicated that the appeal is being dismissed and the application is being abandoned.

In response, the appellants have timely filed a Petition to Revive the application and have revised the Appeal Brief and have submitted a Supplemental Appeal Brief herewith.

Respectfully submitted,

Dated: July 27, 2005

By:



Dana F. Bigelow
Reg. No. 26,441

DFB/cmh
Telephone: (315) 425-9000

Customer No.: 20874